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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Docket No. 406462000102

In the application of: George H. LOWELL  
Serial No.: 09/407,327  
Filed: September 28, 1999  
For: ORAL OR INTRANASAL VACCINES USING HYDROPHOBIC COMPLEXES HAVING  
PROTEOSOMES AND LIPOPOLYSACCHARIDES

The owner, U.S. Army Medical Research & Material Command, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 5,985,284. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to grant.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is attorney or agent of record.

Dated: July 13, 2001

By: Kate H. Murashige  
Name: Kate H. Murashige  
Registration No.: 29,959

Terminal disclaimer fee of \$ \_\_\_\_\_ under 37 C.F.R. § 1.20(d) is attached.

Please charge the terminal disclaimer fee of \$110.00 to Deposit Account 03-1952.

PTO suggested wording for Terminal Disclaimer was:

unchanged  changed (explanation on attached sheet).

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